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7 *Attorneys for Plaintiff*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 APRIL SARAGOSA,

11 Plaintiff,

12 v.

13 XIAMEN 45 ZHI JU TECHNOLOGY CO.,
14 LTD., a limited company *doing business as*
15 45minBedFrame; XIAMEN JIUKE NETWORK
16 TECHNOLOGY CO., LTD., a limited company
17 *doing business as* 45MINST; AMAZON, INC., a
18 domestic corporation; AMAZON.COM
19 SERVICES, LLC, a foreign limited-liability
20 company; AMAZON.COM NV INVESTMENT
21 HOLDINGS LLC, a Domestic Limited-Liability
22 Company; ROE MANUFACTURER, I-V; ROE
23 DISTRIBUTOR, I-V; ROE RETAILER, I-V;
24 ROE WHOLESALE, I-V; ROE
CONTRACTOR; ROE DESIGNER, I-V; ROE
EMPLOYER; ROE COMPANY, I-V; DOE
EMPLOYEE; DOE CONTRACTOR, ROE
WARRANTY COMPANY, and/or ROE
MAINTENANCE COMPANY, DOE SALES
REPRESENTATIVE, I-V, and DOES I-X,
inclusive, jointly and severally,

25 Defendants.

CASE NO: 2:22-cv-01380-RFB-BNW

PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)

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COMES NOW Plaintiff APRIL SARAGOSA by and through her counsel, GREGORY S. CARUSO, ESQ., of BIGHORN LAW and Defendants AMAZON, INC., AMAZON.COM SERVICES, LLC, AND AMAZON.COM NV INVESTMENT HOLDINGS, LLC, by and through counsel RALEIGH C. THOMPSON, ESQ. of KAEMPFER CROWELL, hereby submits this Proposed Joint Discovery Plan and Scheduling Order in Compliance with LR 26-1(b).

1. Meeting: Pursuant to FRCP Rule 26(f), a meeting was held on September 26, 2022, and was attended telephonically by Gregory S. Caruso, Esq. of BIGHORN LAW for Plaintiff APRIL SARAGOSA (“Plaintiff”) and Raleigh C. Thompson, Esq. of KAEMPER CROWELL for Defendants AMAZON, INC., AMAZON.COM SERVICES, LLC, and AMAZON.COM NV INVESTMENT HOLDINGS LLC, (“Amazon Defendants”). The remaining Defendants XIAMEN 45 ZHI JU TECHNOLOGY CO., LTD., a limited company *doing business as* 45minBedFrame; XIAMEN JIUKE NETWORK TECHNOLOGY CO., LTD., a limited company *doing business as* 45MINST have yet to be served with process internationally or appear in this matter as they are believed to have principal places of business in China.

2. Pre-Discovery Disclosures: Pursuant to FRCP Rule 26(a)(1)(A), both Plaintiff and Amazon Defendants have served their respective pre-discovery disclosures, Plaintiff’s Initial on October 10, 2022; and Amazon Defendants on October 10, 2022.

3. Areas of Discovery: The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure, or other applicable precedent, and as noticed within the Complaint on file herein.

4. Discovery Plan: The parties propose the following discovery plan:

A. Discovery Cut-off Date(s): LR 26-1(b)(1) provides that “unless otherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review.” The parties agree that

1 there is a need for a special scheduling review. Additional time is needed to serve Defendants
2 XIAMEN 45 ZHI JU TECHNOLOGY CO, LTD., and XIAMEN JIUKE NETWORK
3 TECHNOLOGY CO., LTD dba 45MINST (hereinafter collectively the “Chinese Defendants”)
4 through international service in China. The parties agree that discovery must be commenced
5 and completed no later than **May 22, 2023**. Further, the parties anticipate that both Plaintiff
6 and the Amazon Defendants will seek to conduct discovery with the Chinese Defendants and
7 anticipate that due to international service of process, translation of documents, translation of
8 discovery propounded, and awaiting answers and communications from international
9 defendants that discovery is likely to take longer than the typical 180 days.
10

11 **B. Amending the Pleadings and Adding Parties:** The parties shall have until
12 **February 21, 2023**, to file any motions to amend the pleadings to add parties. This is
13 approximately 90 days before the discovery cut-off date.
14

15 **C. FRCP 26(a)(2)(D) Disclosure of Experts:** Disclosure of experts shall proceed
16 according to FRCP Rule 26(a)(2) and LR 26-1(b)(3) as follows: The disclosure of experts and
17 their reports shall occur on or before **February 21, 2023**. The disclosure of rebuttal experts
18 and their reports shall occur on or before **April 21, 2023**. These deadlines are approximately
19 90 and 30 days before the discovery cut-off date, respectively.
20

21 **D. FRCP 26(a)(2)(D) Dispositive Motions:** Dispositive Motions shall proceed
22 according to FRCP Rule 26(a)(2) and LR 26-1(b)(4) as follows: The filing of dispositive
23 motions shall occur on or before **June 21, 2023**. This deadline is approximately 30 days after
24 the discovery cut-off date.

25 **E. Pretrial Order and FRCP 26(a)(3) Disclosures:** The parties will prepare a
26 consolidated Pretrial Order on or before **July 21, 2023**, which is not more than 30 days after
27 the date set for filing dispositive motions in the case, as required by LR 26-1(b)(5). This
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1 deadline will be suspended if dispositive motions are timely filed pursuant to the deadline
2 prescribed in Section D above. The suspension will stay in place until the Court issues a ruling
3 on said dispositive motions. At that time, the parties will have 30 days to file the consolidated
4 Pretrial Order or follow a separate order of the Court. The disclosure required by FRCP Rule
5 26(a)(3), and objections thereto, shall be made in the Pretrial Order.
6

7 **F. Alternative Dispute Resolution:** The parties certify that they met and
8 conferred about the possibility of using alternative dispute resolution processes, including
9 mediation, arbitration, and, if applicable, early neutral evaluation. The parties wish to await
10 the international service and appearance of the Chinese Defendants before proceeding with any
11 alternative dispute resolution. This is premature at this time.
12

13 **G. Alternative Forms of Case Disposition:** The parties certify that they
14 considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73, and
15 the use of the Short Trial Program (General Order 2013-01). This is premature and may be
16 reconsidered in the future pending appearance by the Chinese Defendants.
17

18 **H. Electronic Evidence:** The parties certify that they may present evidence in
19 electronic format to jurors for the purpose of jury deliberations in compliance with the Court's
20 electronic jury evidence display system.
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22 **I. Court Conferences:** If the Court has questions regarding the dates proposed
23 by the parties, the parties request a conference with the Court before entry of the Scheduling
24 Order. **If the Court does not have questions, the parties do not request a conference with
the Court.**

25 **J. Extensions or Modifications of the Discovery Plan and Scheduling Order:**
26 LR 26-3 governs modifications or extensions of this Discovery Plan and Scheduling Order.
27 Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling
28

order must be made not later than 21 days before the subject deadline. A request made within 21 days of the subject deadline must be supported by a showing of good cause.

K. Format of Discovery: Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

DATED 17th of October, 2022

DATED this 17th of October, 2022.

By: /s/ Gregory S. Caruso, Esq.

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Nevada Bar No.: 12982

GREGORY S. CARUSO, ESQ.

Nevada Bar No.: 13086

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Attorney for Plaintiff

By: /s/ Raleigh C. Thompson, Esq.

RALEIGH C. THOMPSON, ESQ.

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KAEMPFER CROWELL

1980 Festival Plaza Drive, Suite 650

Las Vegas, Nevada 89135

Attorneys for Amazon, Inc., Amazon.Com

Services, LLC, and Amazon.Com NV

Investment Holdings, LLC

ORDER

IT IS ORDERED that ECF No. 15 is GRANTED in part and DENIED in part. It is granted in all respects except that the deadline for initial expert disclosures shall be March 21, 2023.

IT IS SO ORDERED

DATED: 3:25 pm, October 18, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE



Jennifer Miller <jennifer.miller@bighornlaw.com>

RE: Saragosa v Amazon, et al. / Case No. 2:22-cv-01380-RFP-BNW

1 message

Raleigh Thompson <RThompson@kcnvlaw.com>

Mon, Oct 17, 2022 at 4:01 PM

To: Jennifer Miller <jennifer.miller@bighornlaw.com>

Cc: Morganne Westover <MWestover@kcnvlaw.com>, Gregory Caruso <gregory@bighornlaw.com>

Hi Jennifer,

The revised discovery plan looks fine. You can insert my e-signature.

Thanks,

Raleigh



Raleigh C. Thompson

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From: Jennifer Miller <jennifer.miller@bighornlaw.com>**Sent:** Friday, October 14, 2022 2:29 PM**To:** Raleigh Thompson <RThompson@kcnvlaw.com>